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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,595	07/11/2001	Shigeru Nakano	DAIN:642	7644

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EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,595

Applicant(s)

NAKANO, SHIGERU

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to Amendment filed on 01 December 2004. Claims 1-3, 7 and 13-16 are pending in this Office Action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 December 2004 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of Koether et al. (hereinafter "Koether", US 5,331,575) and further in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1).

As per claim 1, Mansfield teaches a food information management system comprising:
a food database kept in a food information center and storing pieces of food information classified by food identification information (Mansfield, col. 1, lines 59-61);

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information storage mediums each incorporated into a food and storing at least food ID information specifying the food (Mansfield, Fig. 1);

a read means capable of reading the food ID information from the information storage medium and sending the food ID information to the food information center (Mansfield, Fig. 1); and

an output means capable of receiving food information from the food information center (Mansfield, Fig. 1, 28, LCD display); and

a display means capable of displaying food information about a food (Mansfield, Fig. 1);

wherein the food information center retrieves food information about a food specified by food ID information given thereto by the read means and sends the same to the output means, and the display means is connected to the output means (Mansfield, Fig. 1).

Mansfield does not explicitly disclose the read means and the output means are incorporated into a cooking device. Koether disclose the read means and the output means are incorporated into a cooking device (Koether, Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the food information management system of Mansfield by incorporating the read means and the output means as disclosed by Koether (Koether, Fig. 1). The motivation being to allow the user to control the cooking device.

Neither Mansfield nor Koether explicitly discloses a food processing plant for producing and shipping food packages, each including processed food and an information storage medium comprising an RF-ID tag. Sleep discloses a food processing plant for producing and shipping food packages, each including processed food and an information storage medium comprising an

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RF-ID tag (Sleep, col. 7, line 44 – col. 8, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield and Koether's combined system by incorporating the RF-ID tag as disclosed by Sleep (Sleep, col. 7, line 44 – col. 8, line 19). The motivation being to allow the data to be written to RF tag and queried without physical contact. Carrying data in RF tag provide fast and easy access to the data.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of Koether et al. (hereinafter "Koether", 5,331,575) in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1) and further in view of Neuhaus (5,832,446).

As per claim 2, Mansfield, Koether and Sleep teach all the claimed subject matters as discussed in claim 1, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37), but does not explicitly disclose cooking conditions for cooking foods. Neuhaus discloses cooking conditions for cooking foods (Neuhaus, col. 2, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield, Koether and Sleep's combined system by incorporating cooking conditions as disclosed by Neuhaus. The motivation being to provide user with information how to cook the food.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of Koether et al. (hereinafter "Koether", US 5,331,575) in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1) and further in view of Hankins (GB 2313940).

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As per claim 3, Mansfield, Koether and Sleep teach all the claimed subject matters as discussed in claim 1, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37), but does not explicitly disclose food database including forbidden ingredients. Hankins discloses food database including forbidden ingredients (Hankins, page 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield, Koether and Sleep's combined system by incorporating the forbidden ingredients as disclosed by Hankins. The motivation being to identify food components to which the user is allergic.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of Koether et al. (hereinafter "Koether", US 5,331,575) in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1) and further in view of "Electrolux Previews Internet Refrigerator" (hereinafter "Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999).

As per claim 7, Mansfield, Koether and Sleep teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the read means and the output means are linked to the food database by the Internet. Electrolux discloses the read means and the output means are linked to the food database by the Internet (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield, Koether and Sleep's combined system by linking the food database by the Internet as disclosed by Electrolux. The motivation being to allow the user to perform Internet-based commerce activities.

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8. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) and further in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1).

As per claim 13, Mansfield teaches a food information management system comprising:
a food database kept in a food information center and storing pieces of food information classified by food identification information (Mansfield, col. 1, lines 59-61);

information storage mediums each incorporated into a food and storing at least food ID information specifying the food (Mansfield, Fig. 1);

a read means capable of reading the food ID information from the information storage medium and sending the food ID information to the food information center (Mansfield, Fig. 1);
and

an output means capable of receiving food information from the food information center (Mansfield, Fig. 1, 28, LCD display); and

a display means capable of displaying food information about a food (Mansfield, Fig. 1);
wherein the food information center retrieves food information about a food specified by food ID information given thereto by the read means and sends the same to the output means, and the display means is connected to the output means (Mansfield, Fig. 1).

Mansfield does not explicitly disclose the read means and the output means are incorporated into a refrigerator. Electrolux discloses the read means and the output means are incorporated into a refrigerator (Electrolux, page 1). Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to modify the system of Mansfield by incorporating the refrigerator as disclosed by Electrolux. The motivation being to provide a refrigerator to store food.

Neither Mansfield nor Electrolux explicitly discloses a food processing plant for producing and shipping food package, each including processed food and an information storage medium comprising an RF-ID tag. Sleep discloses a food processing plant for producing and shipping food packages, each including processed food and an information storage medium comprising an RF-ID tag (Sleep, col. 7, line 44 – col. 8, line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield and Electrolux's combined system by incorporating the RF-ID tag as disclosed by Sleep (Sleep, col. 7, line 44 – col. 8, line 19). The motivation being to allow the data to be written to RF tag and queried without physical contact. Carrying data in RF tag provide fast and easy access to the data.

As per claim 16, Mansfield, Electrolux and Sleep teach all the claimed subject matters as discussed in claim 13, and further teach the read means and the output means are linked to the food database by the Internet (Electrolux, page 1).

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1) and further in view of Neuhaus (5,832,446).

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As per claim 14, Mansfield, Electrolux and Sleep teach all the claimed subject matters as discussed in claim 13, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37), but does not explicitly disclose cooking conditions for cooking foods. Neuhaus discloses cooking conditions for cooking foods (Neuhaus, col. 2, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield, Electrolux and Sleep's combined system by incorporating the cooking conditions as disclosed by Neuhaus. The motivation being to provide user with information how to cook the food.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. (hereinafter "Mansfield", US 6,283,914 B1) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) in view of Sleep et al. (hereinafter "Sleep", US 6,317,648 B1) and further in view of Hankins (GB 2313940).

As per claim 15, Mansfield, Electrolux and Sleep teach all the claimed subject matters as discussed in claim 13, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37), but does not explicitly disclose food database including forbidden ingredients. Hankins discloses food database including forbidden ingredients (Hankins, page 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Mansfield, Electrolux and Sleep's combined system by incorporating the forbidden ingredients as disclosed by Hankins. The motivation being to identify food components to which the user is allergic.

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Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031.

The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
April 1, 2005


JEAN M. CORRIELLUS
PRIMARY EXAMINER